



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,656	08/25/2000	Thomas T. Buzzell	99-722	6372

7590 04/02/2007  
 Jeffrey L Myers  
 Caterpillar Inc  
 Intellectual Property Department AB6490  
 100 N E Adams Street  
 peoria, IL 61629-6490

EXAMINER
----------

GART, MATTHEW S

ART UNIT	PAPER NUMBER
----------	--------------

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/648,656		BUZZELL ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Matthew S. Gart		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 29-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 33-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Per the arguments with respect to the rejected claims presented in the Applicant's pre-appeal brief request dated 2/20/2007, the finality of the rejection of the last Office action is withdrawn.

### **Prosecution History Summary**

- Claims 29-32 have been withdrawn from consideration.
- Claims 1-40 are pending in the application.
- Claims 1-28 and 33-40 are rejected as set forth below.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 8-12, 15-19, 22-26 and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (U.S. Patent No. 6,009,413) in view of Cat (PTO-892, Ref U, hereinafter "Cat").**

Referring to claim 1. Webber discloses an e-commerce based method for requesting information and purchasing products from a dealer (Webber: Fig. 3, "50") through a network host (Webber: Fig. 3, "56"), the method comprising:

- Sending a request for detailed dealer information to a network host system hosting a web site and a plurality of dealer web sites, using a client system (Webber: column 5, lines 25-56, "The user logs into his computer onto the network host utilizing interface management software provided by the network host. The user inputs request parameters to the interface for a search. For instance, the user may request information regarding desktop personal microcomputers that have a 486 or higher processor.");
- Displaying real-time detailed dealer information on said client system based on said request (Webber: column 5, lines 25-56, "The user's computer then receives the processed information from the network host and displays the information for the user in real time.");

Art Unit: 3625

- Receiving said real-time detailed dealer information from said host server system (Webber: column 5, lines 25-56, "The user's computer then receives the processed information from the network host and displays the information for the user in real time."); and
- Accessing said real-time detailed dealer information with said manufacturer server system from a remote dealer server system via a middleware application system (Webber: column 4, line 66 to column 5, line 17, "Software available at the host 56 enables the user to obtain all merchant product/service information that is currently available and to be able to understand it in a recognizable fashion. Raw data coming from various merchants is not advantageous to a user unless the data is presented in a recognizable and understandable format. The present invention accomplishes this objective by resident software at the host 56, which assimilates all of the data collected from the various merchants, and makes the data available to a user, on the user's computer screen, in an easy to read format.").

The Examiner notes, the network host system of Webber can host a web site and a plurality of dealer web sites. As taught by Webber, on-line shopping is typically conducted through a network host that maintains product/service information from a variety of merchants, takes orders from the network host's customers and forwards the orders to the respective merchant. However, this is merely one step in a multiple step process. Before this transaction may take place, several preliminary steps must be

Art Unit: 3625

accomplished. First, each participating merchant forwards product information and pricing to the network host for posting to the network to solicit purchasers. This product information and pricing is usually transferred to the network host through conventional mail, telephone service or by sending such information to the appropriate on-line address at the network host. The network host then compiles, classifies, sorts, stores and displays the product information on-line to network host customers that request such information. (Webber: column 1, lines 15-30).

The Examiner notes, Webber does not expressly teach a method for requesting information and products from a dealer through a manufacturer. Cat teaches this. Cat discloses a method for requesting Dealer information at a manufacturer's web site as shown on Page 3. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Webber to have included the teachings of Cat as discussed above in order to help meet industry needs while being successfully customer focused (Cat: Page 6).

Referring to claim 2. Webber further discloses a method further including sending information concerning pricing, support, servicing, and warranty (Webber: column 5, lines 25-55). Webber does not expressly disclose sending a quote number or a confirmation number. Data identifying type, characteristics, condition, etc. is not functionally related to the steps of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see Cf. In re

Art Unit: 3625

Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any data (purchase number, purchase request, quote number, quote request, etc.) in the fields of the method shown in Webber, and merely labeling the data differently from that in the prior art would have been obvious matter of design choice. See In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

Referring to claim 4. Webber further discloses a method wherein said real-time detailed dealer information is selected from the group consisting of dealer-level inventory, pricing, and sales information (Webber: Abstract and column 5, lines 25-55).

Referring to claim 5. Webber further discloses a method including displaying consumer personalized data received on said client system (Webber: column 5, lines 14-16).

Referring to claims 8-12. Claims 8-12 contains limitations similar to those of claims 1-5 as set forth above. Claims 8-12 are rejected under the same rationale as set forth above in claims 1-5.

Art Unit: 3625

Referring to claims 15-19. Claims 15-19 contains limitations similar to those of claims 1-5 as set forth above. Claims 15-19 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claims 22-26. Claims 22-26 contains limitations similar to those of claims 1-5 as set forth above. Claims 22-26 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claims 33. Webber further discloses a method further including sending information concerning pricing, support, servicing, and warranty (Webber: column 5, lines 25-55). Webber does not expressly disclose sending a quote number or a confirmation number. Data identifying type, characteristics, condition, etc. is not functionally related to the steps of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any data (purchase number, purchase request, quote number, quote request, etc.) in the fields of the method shown in Webber, and merely labeling the data differently from that in the prior art would have been obvious matter of design choice. See In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).



Art Unit: 3625

Referring to claim 34. Claim 34 is rejected under the same rationale as set forth above in claim 1.

Referring to claims 35-36. Claims 35-36 contains limitations similar to those of claims 1-5 as set forth above. Claims 35-36 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claims 37-38. Claims 37-38 contains limitations similar to those of claims 1-5 as set forth above. Claims 37-38 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claim 39. Webber further discloses a method wherein the step of establishing a plurality of parts further comprises the step of providing an electronic link to at least one of a picture (Webber: column 2, lines 50-60).

**Claims 6-7, 13-14, 20-21, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (U.S. Patent No. 6,009,413) in view of Cap (PTO-892, Ref U, hereinafter "Cat") in further view of "Web Gateway Sites Keep Growing" (PTO-92, Ref V, hereinafter, "Web")**

Referring to claims 6-7, 13-14, 20-21 and 27-28. Webber in view of Cap discloses a method and system according to claims 1, 8, 15 and 22 as indicated supra. Webber in view of Cat does not expressly disclose:

- Wherein said consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links; and
- Wherein said news is selected from the group consisting of local, national, international and industrial.

Web' discloses:

- Wherein said consumer personalized data information is selected from the group consisting of weather, investments, stock portfolio, news and links (Web: paragraph 14); and
- Wherein said news is selected from the group consisting of local, national, international and industrial (Web: paragraph 13-16).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system and method of Webber in view of Cat to have included the limitations of Web as discussed above in order to provide a user with real time product/service information, from a variety of merchants, in a format that is understandable and informative (Webber: column 2, lines 25-34).

### **Response to Arguments**

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new grounds of rejection.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hennig et al., U.S. Patent No. 6,587,827, dated July 1, 2003, discloses an order fulfillment processing system.

Sharp et al., U.S. Patent No. 6,263,317, dated July 17, 2001, discloses a web sales channel conflict resolution system.

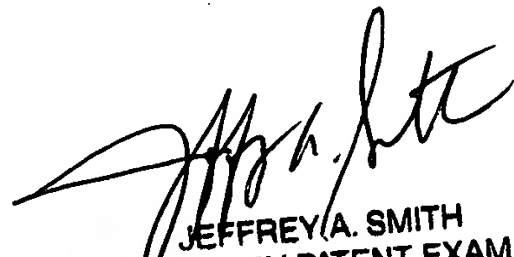
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
Primary Examiner  
March 5, 2007



JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600